# Holland & Knight

2099 Pennsylvania Avenue, N.W., Suite 100 | Washington, DC 20006 | T 202.955.3000 | F 202.955.5564 Holland & Knight LLP | www.hklaw.com

Rosalind K. Allen 202.419.2415 rosalind.allen@hklaw.com

December 10, 2009

Ms. Marlene Dortch Secretary Federal Communications Commission Office of the Secretary 445 12<sup>th</sup> Street, SW Washington, D.C. 20554

Re: Telco Experts, LLC CPNI Certification, EB Docket No. 06-36

Dear Ms. Dortch:

On behalf of Telco Experts, LLC ("Telco Experts"), we herewith submit the annual CPNI certification for calendar year 2008 ("Certification"). As set forth in the attached Declaration of Adam Goldberg, this Certification is filed late because, contrary to the specific directions of Telco Experts, former outside counsel did not file the Certification on or before March 1, 2009. Telco Experts discovered this omission recently during the course of changing outside counsel, and is promptly rectifying that situation through filing of this Certification.

Should you have any questions or wish to discuss this matter further, kindly contact the undersigned.

Sincerely,

Rosalind K. Allen

Counsel to Telco Experts, LLC

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DECLARATION OF ADAM GOLDBERG

My name is Adam Goldberg. I am Chief Operating Officer of Telco Experts LLC

("Telco Experts"), a reseller of voice and data services. During the first two months of 2009,

Telco Experts prepared its 2008 Customer Proprietary Network Information Certification

("Certification") for timely filing by March 1, 2009. Telco Experts transmitted the Certification

to outside counsel and directed outside counsel to file the Certification with the Federal

Communications Commission on or before March 1, 2009. Based on those actions, Telco

Experts assumed its Certification was timely filed.

During the past month, Telco Experts fired outside counsel and retained new outside

counsel. To implement that decision, Telco Experts received copies of its files and records from

former outside counsel. It was at that point that Telco Experts first became aware that former

outside counsel had never filed the Certification with the Federal Communications Commission.

To rectify that situation, Telco Experts decided to immediately submit its Certification to the

Federal Communications Commission.

I declare, under penalty of perjury, that the foregoing is true and correct.

/s/ Adam Goldberg

Date: December 10, 2009

#### Annual 47 C.F.R. § 64.2009(e) CPNI Certification

#### EB Docket 06-36

Annual 64.2009(e) CPNI Certification for 2008

Name of company(s) covered by this certification: Telco Experts, LLC

Form 499 Filer ID: 826950

Name of signatory: Adam Goldberg

Title of signatory: Chief Operating Officer

I, Adam Goldberg, being of lawful age, declare that I am the Chief Operating Officer of Telco Experts, LLC ("Telco Experts"). I further attest that, as an officer of Telco Experts, I am authorized to execute this CPNI Compliance Certification on the company's behalf.

I do, therefore, certify the following:

I, Adam Goldberg, have personal knowledge that Telco Experts has established operating procedures that are adequate to ensure compliance with the Commission's CPNI rules as set forth under Section 222 of the Communications Act of 1934, as amended by the Telecommunications Act of 1996 ("the Act"), and the Federal Communications Commission's regulations implementing Section 222 of the Act, 47 C.F.R. § 64.2001 *et. seq.* 

Attached to this certification is an accompanying statement explaining how Telco Experts' procedures ensure that Telco Experts is in compliance with the requirements set forth in Section 64.2001 *et. seq.* of the Commission's Rules.

Telco Experts has not taken any actions against data brokers in the past year.

Telco Experts has not received any customer complaints in the past year concerning the unauthorized release of CPNI.

Additionally, I hereby attest that, based upon my personal knowledge of these procedures, my company's personnel are trained in the methods and procedures that ensure the Company's compliance with Sections 64.2001 *et. seq.* of the Commission's Rules.

/s/ Adam Goldberg

Chief Operating Officer

December 10, 2009

# Accompanying Statement to 2008 Annual CPNI Compliance Certification for

### Telco Experts, LLC

Telco Experts provides certain customers with voice and data telecommunications services as well as voice over Internet protocol ("VOIP") service. All of Telco Experts' customers are businesses. Telco Experts has implemented the following operating procedures to ensure that Telco Experts is in compliance with the FCC's CPNI Rules:

Telco Experts uses CPNI to provide customers with the purchased services; billing and collection for purchased services; customizing purchased services; performing maintenance and diagnostics; providing technical support; installing hardware and software upgrades; preventing fraud; responding to lawful service of process; protecting against unlawful use of the network and protecting other network users.

If Telco Experts markets new communications-related products and services to existing customers, it provides telecommunications and VOIP customers with an opportunity to "opt-out" of having its CPNI used for these purposes through an opt-out notification compliant with Section 64.2008 of the Commission's Rules. Telco Experts waits a minimum of thirty (30) days after providing customers with "opt-out" notification before assuming customer approval to use, disclose or permit access to CPNI. All CPNI opt-out elections are stored either electronically or in hard copy form.

Telco Experts requires written "opt-in" approval from the customer before disclosing CPNI to agents, affiliates, partners, independent contractors or any third parties. Upon receiving written "opt-in" approval, Telco Experts releases CPNI only pursuant to confidentiality agreements.

Each Telco Experts customer has a dedicated account representative and a contract and/or service contract notification specifically addressing protection of CPNI.

Upon reasonable determination of a CPNI security breach, the Chief Operating Officer shall be immediately notified.

No later than seven (7) business days after reasonable determination of a breach, the Chief Operating Officer shall electronically notify the United States Secret Service ("USSS") and the Federal Bureau of Investigation ("FBI") through the reporting facility to be found at www.cpnireporting.gov.

Telco Experts shall not notify customers or disclose the breach to the public until seven (7) full business days have passed after USSS and FBI notification. If Telco Experts believes it is extraordinarily urgent to notify the customer in order to avoid immediate and irreparable harm, Telco Experts will invoke an exception to the seven day notification delay. To invoke this exception, Telco Experts must indicate its intention to notify under this exception in the USSS/FBI notification, consult with the relevant investigating agency, and proceed to notify affected customers. Telco Experts shall cooperate with the relevant investigating agency's request to minimize consequences of customer notification that could be adverse to the investigation.

Telco Experts shall maintain an electronic record of any breaches discovered, notifications made to the USSS and the FBI, and notifications made to customers. The record must

include dates of discovery and notification, a detailed description of the CPNI that was the subject of the breach, and the circumstances of the breach. Telco Experts shall retain each such electronic record for a minimum of two (2) years.

Telco Experts must certify compliance with the FCC's CPNI rules by March 1st of each year.